

Ex. B

(Cephalon Email)

Sodikoff, Brian

From: Gunther, Jr., Robert J. [Robert.Gunther@wilmerhale.com]
Sent: Monday, October 18, 2010 10:42 AM
To: Sodikoff, Brian
Cc: Barabas, James; Muir, Ryann M; Esrick, Daniel; Ford, Mark; USR-Modafinil; hlander@langergrogan.com
Subject: RE: Apotex v. Cephalon

Brian:

We have now had an opportunity to consider your proposal and to discuss it with our client. We believe that the inequitable conduct claim should continue to be a part of the March patent trial and that it should not be moved to the antitrust portion of the case.

Regards,

Bob

From: Sodikoff, Brian [<mailto:brian.sodikoff@kattenlaw.com>]
Sent: Monday, October 11, 2010 3:24 PM
To: Sodikoff, Brian; Gunther, Jr., Robert J.
Cc: Barabas, James; Muir, Ryann M; Esrick, Daniel; Ford, Mark; USR-Modafinil; hlander@langergrogan.com
Subject: RE: Apotex v. Cephalon

Bob or Mark,

We have not heard back from you on this issue. Can you please let us know when we can expect a response?

Thanks,

Brian

BRIAN SODIKOFF
Attorney
Katten Muchin Rosenman LLP
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From: Sodikoff, Brian
Sent: Tuesday, October 05, 2010 3:43 PM
To: 'Gunther, Jr., Robert J.'
Cc: Barabas, James; Muir, Ryann M; 'daniel.esrick@wilmerhale.com'; 'Ford, Mark'; USR-Modafinil; hlander@langergrogan.com
Subject: RE: Apotex v. Cephalon

Bob (Gunther),

I tried calling this afternoon, but your assistant said you were away from the office.

Based on some of the comments made at the Markman hearing, we wanted to talk with you regarding potentially grouping the inequitable conduct issue with the antitrust action so we would have a bench trial in March on just invalidity and

infringement. Please let us know your thoughts at your earliest convenience (as it could impact discovery scheduling on these issues).

Sincerely,

Brian

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